

**MOIESE MEADOWS (LORDS)  
33-LOT MAJOR SUBDIVISION**

**STAFF REPORT FOR PLANNING BOARD**

**CASE PLANNER:** Shaun Morrell *SM*

**REVIEWED/  
APPROVED BY:** Renee Van Hoven *RV*

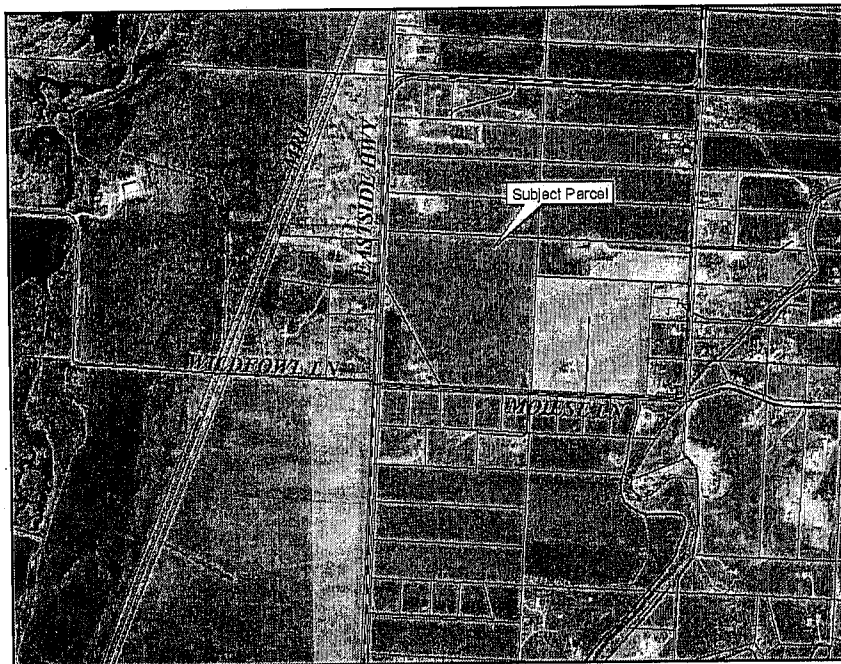
**PUBLIC HEARINGS/  
MEETINGS:**

RCPB Plat Evaluation:	October 18, 2006
RCPB Public Hearing:	November 1, 2006
Deadline for PB recommendation to BCC:	November 15, 2006
BCC Public Meeting:	9:00 a.m. December 7, 2006
Deadline for BCC action (60 working days):	January 18, 2006

**APPLICANT/OWNER:** Rebecka Lords  
245 Locust Lane  
Moiese, MT 59824

**REPRESENTATIVE:** Landworks Consulting & Design (542-1415)  
PO Box 7908  
Missoula, MT 59807

**LOCATION OF REQUEST:** The property is located northeast of Stevensville off of Eastside Highway and Moiese Lane.



**Map 1: Location Map**  
(Source Data: Ravalli County Planning Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

COS 3315, NW¼ of Section 12, T9N, R20W, P.M.M., Ravalli  
County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined complete on October 12, 2006. Agencies were notified of the subdivision. Comments received by the Planning Department not included in the application packet are included as Exhibits A-1 through A-7 of the staff report.

**LEGAL NOTIFICATION:**

A legal advertisement was published in the *Ravalli Republic* on Tuesday, October 16, 2006. Notice of the project was posted on the property and adjacent property owners were notified by certified mail. One public comment was received by the Planning Department and is included as Exhibit B of the staff report.

**DEVELOPMENT  
PATTERN:**

Subject property	Vacant pasture
North	Light commercial/Agricultural
South	Residential
East	Residential/Agricultural
West	Residential/Agricultural

## RAVALLI COUNTY PLANNING BOARD

OCTOBER 25, 2006

### MOIESE MEADOWS 33-LOT MAJOR SUBDIVISION

#### RECOMMENDED MOTION

That the Moiese Meadows Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

*Staff notes:*

- *To satisfy the requirement of 2.50 acres in parkland dedication, the applicant is proposing a dedication of 1.35 acres, as shown on the preliminary plat, and cash-in-lieu for the remaining 1.15 acres. The Ravalli County and Lone Rock Park Boards have objected to the applicant's proposal for satisfying the parkland dedication requirements (Exhibit A-3 and Application). Staff advises the Planning Board to examine this proposal and determine whether the applicant should instead follow the Ravalli County Park Board's most recent proposal (dedicating Lots 32 and 33 and providing cash-in-lieu for the remainder), or some other alternative.*

#### RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

***Notification of Irrigation Ditch/Pipeline Easements.*** Within this subdivision there are irrigation easements. All downstream water right holders have the right to maintain and repair their ditches/pipelines and diversion structures whenever necessary to keep them in good condition. The filed subdivision plat shows irrigation infrastructure and easements on the property. The downstream water rights holders must approve any relocation or alteration (i.e. installation of a culvert) of an irrigation ditch or pipeline. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easement to maintain the ditch or pipeline. (*Effects on Agricultural Water User Facilities*)

***Lots within this subdivision do not currently have the right to take irrigation water out of the infrastructure located within the subdivision. Taking water without a water right for irrigation purposes is illegal.*** (*Effects on Agricultural Water User Facilities*)

***Limitation of Access onto a State Road.*** A "no ingress/egress" restriction is located along the Eastside Highway frontage of the subdivision, which precludes vehicular access onto this State-maintained road, excepting the approved approach for the internal subdivision road. This limitation of access may be lifted or amended only with the approval of the Montana Department of Transportation. (*Effects on Local Services and Public Health and Safety*)

**Limitation of Access onto a County Road.** A "no ingress/egress" restriction is located along the Moiese Lane frontage of the subdivision, which precludes vehicular access onto this County-maintained road, excepting the approved approach for the internal subdivision road. This limitation of access may be lifted or amended with approval of the MDT. (*Effects on Local Services and Public Health and Safety*)

**Notification of Road Maintenance Agreement.** The internal subdivision roads are not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assume any liability for lacking or improper maintenance. A Road Maintenance Agreement for these roads has been filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Effects on Local Services and Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

**Living with Wildlife.** Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bear, mountain lion, coyote, fox, skunk, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov). (*Effects on Agriculture, Natural Environment, Wildlife and Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and dogs. It is best not to set garbage cans out until the morning of garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with

supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Birdseed** can attract bears. If used, bird feeders should: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). No outdoor cats shall be allowed within the subdivision.
- g. **Pet food** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (County Commissioners).

***Waiver of Protest to Creation of RSID/SID.*** Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to creating and/or improving a community water or wastewater treatment system and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Effects on Local Services*)

***Required Posting of County-Issued Addresses for Lots within this Subdivision.*** The Three Mile Fire District has adopted the Uniform Fire Code (UFC), which requires lot owners to post County-issued addresses at the intersection of the driveway leading to the

primary residence and the accessing road as soon as construction on the residence begins. *(Effects on Local Services and Public Health and Safety)*

**Access Requirements for Lots within this Subdivision.** All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the UFC. Please contact the Three Mile Rural Fire District for further information on the requirements of the Three Mile Rural Fire District and/or the UFC. *(Effects on Local Services and Public Health and Safety)*

**Primary Heat Source.** The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. *(Effects on Natural Environment)*

**Lighting for New Construction.** Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotlighting of flag poles shall be permitted. *(Effects on Public Health and Safety)*

**Control of Noxious Weeds.** Lot owners shall control the growth of noxious weeds on their respective lot(s). *(Effects on Natural Environment)*

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. *(Effects on Public Health and Safety)*

**Amendment.** The covenants filed with the final plat shall state that written Governing Body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. *(Effects on Local Services and Public Health and Safety)*
4. A 60-foot-wide conditional public road and utility easement shall be shown on the final plat along the common boundary of Lots 10-11 and Lots 27-28 from the end of each cul-de-sac to the eastern property boundary. The easement shall be labeled as a "conditional public road and utility easement" on the final plat. The following statement shall be on the final plat: "Development of the road to meet County Standards within this easement shall be the responsibility of the property owner(s) to the east. Furthermore, when this easement is developed and opened to the properties to the east, those properties that have beneficial use of the easement may be annexed into the Moiese Meadows Road Maintenance

Agreement without the consent of the current members." (*Effects on Local Services and Public Health and Safety*)

5. The Road Maintenance Agreement for the internal subdivision roads shall state that the other parcels that may have beneficial use of the internal subdivision roads and easements shall be allowed to join as members of the agreement without the consent of the current members. (*Effects on Local Services and Public Health and Safety*)
6. The internal subdivision roads shall be labeled as public road and utility easements on the final plat. (*Effects on Local Services and Public Health and Safety*)
7. Prior to final plat approval, the applicant shall install all traffic control signs as shown on the preliminary grading, drainage, and road plans. Road name signs shall be installed at every intersection within the subdivision. These improvements shall be reviewed by the Road and Bridge Department and approved by the Planning Department prior to final plat approval. (*Effects on Local Services and Public Health and Safety*)
8. The final plat shall show no-ingress/egress zones along the Eastside Highway and Moiese Lane frontages of the subdivision, excepting the approved approaches for the internal subdivision roads. (*Effects on Local Services and Public Health and Safety*)
9. The applicant shall meet the water supply requirements for the Three Mile Fire District, which is a 1,000-gallon per minute water supply or a 2,500-gallon per lot water storage. Alternatively, the applicant may contribute \$500 per lot and provide a letter from the Three Mile Fire District that the contribution has been made prior to final plat approval. (*Effects on Local Services and Public Health and Safety*)
10. The applicant shall provide evidence that \$250 per lot has been contributed to the Stevensville School District prior to final plat approval. (*Effects on Local Services*)
11. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (*Effects on Public Health and Safety*)
12. The irrigation easement shall be shown on the final plat as shown on the preliminary plat. (*Effects on Agricultural Water User Facilities*)
13. Prior to final plat, the applicant shall pipe the irrigation ditch from the southern boundary of the subdivision to the northern boundary, in consultation with the Lee Metcalf Wildlife Refuge. (*Effects on Agricultural Water User Facilities and Wildlife and Wildlife Habitat*)
14. "No Parking" signs shall be placed along the residential frontage of the internal subdivision roads in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, 2003 edition, and as reviewed and approved by the Ravalli County Planning Department. (*Effects on Local Services and Public Health and Safety*)
15. All lots shall be required to have Level 2 wastewater treatment systems, as defined by the Montana Department of Environmental Quality, ARM 17.30.702(11).

## **INTRODUCTION**

The Moiese Meadows major subdivision is a 33-lot subdivision of 34.66 acres located approximately four miles northeast of Stevensville. The subject property is located near the Lee Metcalf Wildlife Refuge. There are no existing structures on the property, and the property has been used for agriculture in the past. There is an irrigation ditch abutting the subdivision on the western parcel boundary, although there are no water rights associated with the property.

*Staff recommends conditional approval of the subdivision proposal.*



## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA**

#### **CRITERION 1: EFFECTS ON AGRICULTURE**

##### **Findings of Fact:**

1. The proposed major subdivision on 34.66 acres will result in 33 lots approximately one acre in size. The property is located approximately four miles northeast of the Town of Stevensville.
2. The property is located in an area where there is a mix of agricultural and residential uses. To mitigate impacts on nearby agricultural practices, a notification of agricultural operations shall be filed with the final plat. (Condition 1)
3. To mitigate impacts on agriculture and address the control of domestic pets, the Living with Wildlife covenants shall be filed with the final plat. (Condition 2)
4. There are no soils classified as Prime Farmland or Farmland of Statewide Importance, as classified by the Natural Resource Conservation Service (NRCS).
5. According to the application, the property has been used for agriculture in the past.

##### **Conclusion of Law:**

With the recommended mitigating conditions, impacts of this subdivision on surrounding agricultural practices will be reduced.

#### **CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

##### **Findings of Fact:**

1. There are no water rights associated with this property.
2. There is an existing irrigation ditch along the western boundary of the proposed subdivision.
3. There is a 10- to 20-foot-wide easement for the irrigation ditch shown on the preliminary plat. To mitigate impacts on agriculture water user facilities, the applicant shall show the irrigation easement on the final plat. (Condition 12)
4. The U.S. Fish and Wildlife Service / Lee Metcalf Wildlife Refuge has requested that the applicant pipe the irrigation ditch from the headgate at the main supply ditch to the northern boundary of the Moiese Meadows subdivision, citing concerns that past residential development has resulted in a deterioration of their irrigation water supply in both quantity and quality (Exhibits A-1, A-2, and Application). Condition 13 requires the applicant to pipe the ditch from the southern boundary of the subdivision to the northern boundary in consultation with the Refuge.
5. To notify future property owners and to mitigate potential impacts on agricultural water user facilities, a notification of the irrigation infrastructure and easement shall be filed with the final plat. Notification shall also be included that owners of the lots do not have the right to take water from the ditch/pipeline. (Condition 1)

##### **Conclusion of Law:**

Impacts to agricultural water user facilities will be minimized through the mitigating conditions.

#### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

##### **Findings of Fact:**

1. The subject property is currently accessed via Moiese Lane to the south. Access is proposed via Moiese Lane, a substandard County-maintained road; and Eastside Highway, a State-maintained road.
2. An approach permit from MDT for "Road C" is required prior to final plat approval for the internal subdivision road. This permit shall be submitted with the final plat.

3. To mitigate impacts on local services, no-ingress/egress zones shall be shown on the final plat along the Eastside Highway and Moiese Lane frontage of the subdivision, excepting the approved approaches for the internal roads. A notification of the limitation of access shall be filed with the final plat. (Conditions 1 and 8)
4. All lots are proposed to be served by internal subdivision roads. The Ravalli County Road and Bridge Department (RCRBD) has approved the preliminary road plans (Exhibit A-5).
5. Per Section 5-4-5(b)(4) of the Ravalli County Subdivision Regulations, the applicant is required to improve substandard County roads leading to the subdivision. RCRBD has approved preliminary plans for the improvement of the segment of Moiese Lane from Eastside Highway leading to the subdivision (Exhibit A-5).
6. The County's consulting engineer has stated that no parking should be allowed on the internal subdivision roads (Exhibit A-5). To mitigate impacts on local services, the applicant shall place "No Parking" signs along the internal subdivision roads in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, 2003 edition, and as reviewed and approved by the Ravalli County Planning Department. (Condition 14)
7. A General Discharge Permit for Stormwater Associated with Construction Activity from the Montana Department of Environmental Quality (if required), submittal of final grading and drainage plans approved by RCRBD, approved road name petitions for the internal subdivision roads, and road certifications, as certified by a professional engineer, are requirements of final plat approval. Installation of all infrastructure improvements is also required to be completed prior to final plat approval, which includes construction of the roads and stormwater drainage facilities for the internal subdivision road network, and piping of the irrigation ditch.
8. In order to ensure that the public has usage of the roads within this subdivision, the internal subdivision roads shall be dedicated as public road and utility easements on the final plat. (Condition 6)
9. The parkland dedication required for this subdivision is 2.50 acres. The applicant has proposed a dedication of 1.35 acres and cash-in-lieu for the remaining 1.15 acres. The Ravalli County and Lone Rock Park Boards have objected to this proposal (Exhibit A-3 and Application), citing concerns about the usefulness of the proposed park. In its most recent comment on this subdivision, the Ravalli County Park Board has requested that Lots 32 and 33 be dedicated as parkland instead of the proposed dedication (cash-in-lieu would be required for the remaining 0.47 acres). *Staff Note: Planning Staff advises the Planning Board to make a recommendation on the parkland requirement.*
10. There is a possibility that the property to the east will be developed in the future. Section 5-4-4(d) of the Ravalli County Subdivision Regulations calls for connectivity to future development. To mitigate impacts on local services, the applicant shall provide for conditional public road and utility easements connecting the proposed cul-de-sacs to the property to the east. Owners of the property to the east will be able to utilize these easements if they develop the road within the conditional easement to meet County Standards and join the Road Maintenance Agreement for the internal roads within Moiese Meadows (Condition 4).
11. To avoid duplication of road maintenance between the two groups of property owners and to further mitigate impacts on local services, the Road Maintenance Agreement filed with the final plat shall allow for other properties that have beneficial use of the internal subdivision road to be included as parties to this agreement without the consent of the property owners within Moiese Meadows. (Condition 5)
12. A Road Maintenance Agreement was proposed for the internal subdivision roads and is required to be submitted with the final plat application. A notification of the Road Maintenance Agreement shall be included in the Notifications Document. (Conditions 1 and 5)

13. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, an RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)
14. Individual wells and wastewater treatment systems are proposed for lots within this subdivision.
15. Bitterroot Disposal provides service to this site.
16. The Stevensville School District has not provided comments specific to this subdivision. The applicant is proposing to contribute \$250 per lot to the Stevensville School District. Condition 10 requires that the developer provide evidence of this contribution to the School District prior to final plat approval.
17. To mitigate impacts on local services, the applicant shall install the road name signs and stop signs at the intersections of the internal subdivision road network prior to final plat approval. (Condition 7)
18. The Three Mile Rural Fire District has not provided comments specific to this subdivision. The conditions that address the Fire District's general recommendations will mitigate impacts on local services. (Conditions 2 & 9)
19. The Ravalli County Sheriff's Office provides law enforcement services to this area.
20. Public Services are adequate to serve this subdivision.

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be mitigated.

**CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT**

Findings of Fact:

1. Individual wells and wastewater treatment systems are proposed to serve lots within the subdivision and adequate information has been provided to the Environmental Health Department for local subdivision review to occur (Exhibit A-6). Prior to final plat approval, the applicant shall provide a Certificate of Subdivision Plat Approval from DEQ.
2. The U.S. Fish and Wildlife Service (USFWS) submitted comments expressing concern over this subdivision's use of individual septic treatment and the impacts this may have due to the property's proximity to the Lee Metcalf Wildlife Refuge (Exhibit A-1). The Ravalli County Environmental Health Department has indicated that the subdivision meets the minimum standards required by law, but recommended that the lots be required to have Level 2 septic wastewater treatment due to the subdivision's proximity to the Refuge (Exhibit A-7). To mitigate impacts on the natural environment, Condition 15 shall address the concerns of USFWS and EHD.
3. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. (Condition 2)
4. A noxious weed and vegetation control plan is required to be filed with the final plat for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the Weed Board for approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)
5. To mitigate impacts on the natural environment, the Living with Wildlife covenants, generally recommended for most residential subdivisions by FWP, shall be filed with the final plat. (Condition 2)

6. The property was identified as an area with sensitive species (bald eagle and shining flatsedge). According to the Sensitive Species Report submitted with the application, the land is unlikely to support either of these species, and no occurrences were identified in an on-site investigation conducted by the report's author.

Conclusion of Law:

With the conditions and the requirements of final plat approval, impacts from this subdivision on the natural environment will be mitigated.

**CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT**

Findings of Fact:

1. The subdivision is located across the Eastside Highway from the Lee Metcalf Wildlife Refuge.
2. The irrigation ditch abutting the property to the west is used by the U.S. Fish and Wildlife Service (USFWS) to convey water to the Lee Metcalf Wildlife Refuge for maintenance of the wildlife habitat. The USFWS has requested that the applicant pipe the irrigation ditch from the headgate at the main supply ditch to the northern boundary of the subdivision, citing concerns that past residential development has resulted in a deterioration of their water supply in quantity and quality (Exhibits A-1, A-2, and Application). To mitigate impacts on wildlife and wildlife habitat, the applicant shall pipe the ditch from the southern boundary of the subdivision to the northern boundary. (Condition 13)
3. The U.S. Fish and Wildlife Service (USFWS) submitted comments expressing concern over this subdivision's use of individual septic treatment and the impacts this may have due to the property's proximity to the Lee Metcalf Wildlife Refuge (Exhibit A-1). The Ravalli County Environmental Health Department has indicated that the subdivision meets the minimum standards required by law, but recommended that the lots be required to have Level 2 septic wastewater treatment due to the subdivision's proximity to the Refuge (Exhibit A-7). To mitigate impacts on wildlife and wildlife habitat, Condition 15 shall address the concerns of USFWS and EHD.
4. The property was identified as an area with sensitive species (bald eagle and shining flatsedge). According to the Sensitive Species Report submitted with the application, the land is unlikely to support either of these species, and no occurrences were identified in an on-site investigation conducted by the report's author.
5. Montana Fish, Wildlife, and Parks (FWP) did not submit comments specific to this subdivision. The U.S. Fish and Wildlife Service has requested that the Living with Wildlife covenants, generally recommended for most residential subdivisions by FWP, including a provision forbidding outdoor cats, be filed with the final plat (Exhibit A-1). (Condition 2)

Conclusion of Law:

With the mitigating conditions of approval, impacts of the proposed subdivision on wildlife and wildlife habitat will be mitigated.

**CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY**

Findings of Fact:

1. To mitigate impacts on public health and safety, the subdivider shall apply for County-issued addresses for each lot and a provision requiring property owners to post County-issued addresses at their driveways shall be included in the covenants. (Conditions 2 and 11)
2. The conditions that address the Rural Fire District's usual recommendations will mitigate impacts on public health and safety. (Conditions 2, 9, and 11)
3. With the conditions and requirements of final plat approval, access to the subdivision will be adequate for public health and safety. (Conditions 1 through 8) (Local Services)

4. The County's consulting engineer has stated that no parking should be allowed on the internal subdivision roads (Exhibit A-5). To mitigate impacts on public health and safety, the applicant shall place "No Parking" signs along the internal subdivision roads in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, 2003 edition, and as reviewed and approved by the Ravalli County Planning Department. (Condition 14)
5. Individual wells and septic systems are proposed for lots within this subdivision.
6. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (Condition 2)
7. There is a prevalence of radon in the County. To mitigate impacts on public health and safety, the covenants shall include a statement regarding radon exposure. (Condition 2)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval address potential impacts of this subdivision on public health and safety.

**COMPLIANCE WITH:**

**1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.**

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

**2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.**

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

**3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS**

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can

demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

**CONSISTENCY WITH EXISTING ZONING AND COVENANTS**

Findings of Fact:

1. The application states the property is not located within a zoning district.
2. There do not appear to be covenants on the property. (Application)

Conclusion of Law:

Neither zoning nor protective covenants apply to this property.

**PROVISION OF EASEMENTS FOR UTILITIES**

Findings of Fact:

1. The plat indicates existing utility easements are located along Eastside Highway and proposed utilities along the internal roads. Utility easements are required to be shown on the final plat.
2. According to the application, the proposed subdivision will be served by NorthWestern Energy and Qwest Telephone. Utility Certificates are required for final plat approval.

Conclusion of Law:

Utility services are available to the subdivision.

**PROVISION OF LEGAL AND PHYSICAL ACCESS**

Finding of Fact:

Access to this subdivision is proposed via Eastside Highway, a State-maintained highway; Moiese Lane, a County-maintained road; and the internal subdivision roads. (Local Services)

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.

RECEIVED

OCT 23 2006

FC-06-10-1661  
Ravalli County Planning Dept.



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Lee Metcalf National Wildlife Refuge  
4567 Wildfowl Lane  
Stevensville, Montana 59870



October 20, 2006

## EXHIBIT A-1

Ravalli County Planning Department  
Attn: Shaun Morrell, Planner 1  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

Dear Shaun:

This letter is in response to your request for comments on the Moiese Meadows Subdivision.

My first comment is related to Criteria #5 Effects on Wildlife and Habitat. I would like to endorse the "Living with Wildlife" Covenants that the Montana Fish, Wildlife, and Parks suggest for such subdivisions. In addition, I would prefer that covenants require that no outside cats be allowed.

My second comment is related to Criteria #4 Effects on Natural Environment and Criteria #5 Effects on Wildlife and Habitat. I have not seen any of the groundwater monitoring reports or studies on this subdivision. I do have concerns of groundwater discharge causing negative impacts upon the groundwater supply that eventually charges the refuge wetlands. With the density being so high in this subdivision I would prefer to review the groundwater discharge reports and studies so that we can make educated recommendations as to the potential negative impacts to the refuge wetlands and how that might be mitigated. I do know these concerns were brought up in the Legacy Ranch review and are in the process of being mitigated by the developer by implementing an EPA Level 5 Sewage Treatment and establishing a Water & Sewage District. Some of our greatest concerns are the impacts of pharmaceuticals discharged in the groundwater from human waste.

My third comment is related to Criteria #2 Effects on Agricultural Water-Use Facilities, Criteria #4 Effects on Natural Environment and Criteria #5 Effects on Wildlife and Habitat. As I pointed out in a previous letter to Landworks Design, dated October 31, 2005, concerning this subdivision, the Lee Metcalf National Wildlife Refuge (NWR) does have a supply ditch that runs along this property. The ditch conveys water to the Refuge that is utilized for the management of fish and wildlife habitat, which is critical to the mission and purpose of the Refuge. This water is sometimes used for agricultural purposes on the Refuge as well.

With the development of residential housing along our supply ditches it becomes more and more of a burden on the refuge to ensure that adequate water is reaching the Refuge. This water is critical to the mission of Lee Metcalf NWR. Traditionally the refuge has utilized fire as a way to annually clean and keep the ditches maintained. Then every few years the ditches are accessed with heavy equipment and cleaned out. Maintaining these ditches now with the residential development around them has become a very daunting task for the refuge. It already requires a significant amount of staff time to contact and coordinate with so many different landowners. Any delay in the maintenance of the ditch limits the amount of water conveyed, often resulting in the Refuge receiving less than our appropriated water rights. With so many individual housing units along the ditches it has also become a very difficult task in regulating water use. Many people along the ditches take water from the ditches, which also limits the supply of water we receive. This requires significant amount of staff time to coordinate ditch management and enforcement of water rights law.

My request is that the ditch be piped up to and through the Moiese Meadows Subdivision as a part of infrastructure construction. To convey proper amounts of water the pipe will need to be 24" diameter with cleanouts located every 300 feet, at every turn equal to or less than 90 degrees, and at all road crossings. The ditch will need to be piped from our head gate on the main supply ditch to the area that it leaves the Moiese Meadows Subdivision property. The reason we are asking it be piped from the head gate along the main supply ditch is to prevent silting problems in the pipe. The specifications of this project will have to be worked out with US Fish and Wildlife Service engineers when the time comes to install it. There are also two other water right users along this ditch that would have to be included on installing this pipe to ensure they have access to water.

This request is in compliance with two (2, 4 & 5) of the six Subdivision Review Criteria as set forth in the Montana Code Annotated: 2- Effects on Agricultural Water-User Facilities, 4 – Effects on the natural environment, including ground water contamination, riparian/wetland areas, soil erosion, vegetation and air pollution, and noxious weeds, and 5 – Effects on wildlife and wildlife habitat, including fisheries and mammals.

If you have any questions, feel free to contact me at anytime, I do plan on attending the November 1, 2006 public hearing on behalf of the Refuge and would like to be allotted time to express these concerns on behalf of the Refuge.

Thanks,



Steve Whitson

Refuge Manager

CC: Nathan Lucke, Landworks Consulting and Design, Inc.



Tristan Riddell

---

From: Steve\_Whitson@fws.gov  
Sent: Wednesday, July 05, 2006 1:08 PM  
To: Tristan Riddell  
Subject: McCormick Subdivision

## EXHIBIT A-2

This is regarding the McCormick Subdivision located along Moisie Lane North of Stevensville. The Lee Metcalf NWR has lateral ditches that run through that property in which the landowner placed crossing with culverts. He is now telling me that the county is requiring him to grate those culverts. I would like to request that the culverts not be grated as it will cause problems with the water flow.

I would also like to request that when approaches are constructed across lateral ditches that the owners of the water rights to those ditches be consulted. The two culverts placed on the McCormick property across our lateral ditch have caused problems with water flow because they are deep in the ditch to meet specs outlined by the county on the angle of the approaches.

I would also like information on the subdivision to the north of Moisie Lane in which I responded several months ago with a request that the ditch along that property be piped. The US Fish and Wildlife Service will request that all subdivided or developed lands along our lateral water supply ditches be piped to prevent problems with maintenance and water delivery of our water to the Refuge.

Thanks and call me if you have any questions.

Steve Whitson  
Refuge Manager  
Lee Metcalf NWR  
4567 Wildfowl Lane  
Stevensville, MT 59870  
(406) 777-5552 Ext. 205

<http://leemetcalf.fws.gov/>

In matters of style, swim with the current; In matters of principle, stand like a rock.

Thomas Jefferson

RECEIVED

AUG 29 2006  
C-06-08-1305  
Ravalli County Planning Dept.

August 27, 2006

Shaun Morrell, Planner  
Ravalli County Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

## EXHIBIT A-3

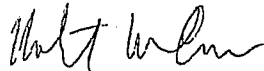
Subject :        Moisse Meadows  
                 Preliminary Plat Report

Dear Shaun:

The Moisse Meadows revised preliminary plat shows an average lot size of just over one acre. Thus, the required parkland dedication would be five percent of total acreage or a little under two acres.

The Ravalli County Park Board's comments concerning the proposed park sandwiched between the road and irrigation ditch remain that the parcel is unusable for park purposes. We propose that the developer dedicate lots 32 and 33 for a neighborhood park to fulfill his parkland obligation.

Sincerely,



Robert M. Cron  
For  
Gary Leese  
Chairperson,  
Ravalli County Parks Board



Montana Department of Transportation

Jim Lynch, Director  
Brian Schweitzer, Governor

Missoula District Office  
2100 W Broadway  
PO Box 7039  
Missoula, MT 59807-7039

October 24, 2006

Nathan Lucke, P.E.  
Landworks Consulting & Design, Inc.  
P.O. Box 7908  
Missoula, MT 59807

OCT 25 2006  
IC-06-10-1683  
Ravalli County Planning Dept.

EXHIBIT A-4

Subject: Moiese Meadows Subdivision

Nathan, the Montana Department of Transportation (MDT) would like to provide the following additional comments regarding the subject subdivision.

Per MDT's previous correspondence dated November 9, 2005 (enclosed), the approach location to the Eastside Highway was previously reviewed and it was determined that it meets the requirements for a new approach. If this possibly has not already been explored, I recommend the developer discuss access options with the adjacent landowner to the north. An access on the property line that would serve multiple subdivisions would be very beneficial. As property in this area continues to develop; access design, location and spacing is going to be very critical to the overall function and operations of the highway.

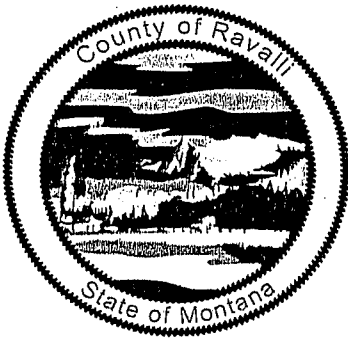
As always, MDT encourages Ravalli County to work with all developments in creating and assessing impact fees to address current and future transportation needs. As development continues in Ravalli County, the transportation needs are going to increase. Intersection and roadway improvements will be needed in many locations. Funding for these improvements will be very hard to find, if not impossible. These are all funds that could be assessed as an impact fee and then reserved for use at a later date.

Thank you for allowing MDT to provide additional comments regarding this subdivision. Should you have any further questions, please give me a call at (406) 523-5800.

Sincerely,

Glen Cameron  
Missoula District Traffic Engineer

copies: Dwane Kailey, Missoula District Administrator  
Ravalli County Planning, 215 South 4<sup>th</sup> Street; Suite F Hamilton, MT 59840




# ROAD AND BRIDGE DEPARTMENT RECEIVED

244 FAIRGROUNDS ROAD  
HAMILTON, MONTANA 59840  
TELE: 406.363.2733 • FAX: 406.363.6701

OCT 12 2006  
IC-06-10-1613  
Ravalli County Planning Dept.

## EXHIBIT A-5

DATE 11 October 2006  
TO RAVALLI COUNTY PLANNING DEPARTMENT  
FROM DAVID H. OHNSTAD, COUNTY ROAD SUPERVISOR   
SUBJECT MOIESE MEADOWS PRELIMINARY DESIGN REVIEW

Attached please find analysis and comment from the Ravalli County consulting engineers relative to the preliminary design submittal for the proposed Moiese Meadows subdivision. The Road & Bridge Department will approve this preliminary design, with the understanding and expectation that those issues identified in the consulting engineer's report of 24 May 2006 will be addressed appropriately and completely through the final design process.



**ENGINEERING  
SURVEYING  
PLANNING**

3021 Palmer • P.O. Box 16027 • Missoula, Montana 59808-6027

(406) 728-4611  
FAX: (406) 728-2476  
wgmgroup.com

**DATE:** October 5, 2006  
**TO:** David Ohnstad, Ravalli County Road & Bridge Department  
**CC:** Nathan Lucke, Landworks Consulting & Design, Inc.  
**FROM:** Ryan J. Salisbury, P.E.  
**RE:** Moiese Meadows Preliminary Review Completion  
WGM Group Reference No. 06-02-06

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above referenced project. Adequate road, grading, and drainage information has been submitted for the project. If the RCRBD is in concurrence with our review, please forward this letter to the Planning Office to be included with the full subdivision application.

A Preliminary Comment Memorandum was sent to the design engineer in accordance with Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. We are now sending this letter to your office in accordance with Step 7 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We have included a copy of the following with this letter:

- 1) Preliminary comment memorandum from WGM Group.
- 2) Preliminary comment response letter from Landworks Consulting & Design.

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.

**DATE:** May 24, 2006

**TO:** Nathan Lucke, Landworks Consulting & Design, Inc.

**CC:** David Ohnstad, Ravalli County Road & Bridge Department

**FROM:** Ryan J. Salisbury, P.E.

**RE:** Moiese Meadows Preliminary Review Comments

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has completed a review of the preliminary grading and drainage plans and reports submitted by your office. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

### **Roadways**

- 1) Please show the locations of speed limit signs that are in accordance with the design speed specified. Please show stop sign locations.
- 2) No sight distance triangles were submitted with the subdivision application, and sight distances were not identified on the Schedule for Roadway Design Submittal because the project is at the "preliminary design" stages. Please note that if sight distances cannot be met at the proposed intersections during final design, the subdivision layout will have to be revised and this would change the lot layout proposed for preliminary plat approval. It is recommended that the design engineer thoroughly evaluate sight distances prior to preliminary plat approval.
- 3) Please call out and identify centerline radius lengths on the road plans.
- 4) An appropriate amount of truck traffic must be assumed at final pavement design. 0% truck traffic is unlikely and an assumed amount of truck traffic must be estimated by the engineer at final design.
- 5) Please call out the radius length for approach returns on the plans for all intersections and ensure that they meet the AASHTO requirements in Exhibit 9-19, on Page 585.

- 6) The typical road section for Moiese Lane does not specifically call out a 2-foot shoulder on both sides of the road and states that the shoulder width varies. Please explain or revise. Pages 392 and 393 in the AASHTO manual discuss minimum lane widths and parking widths. The proposed roadway section internal to the development does not allow room for parking, and clear width for emergency vehicles. No parking will be allowed on interior roadways.
- 7) If ADTs increase by more than 25%, a traffic report is required. Because a traffic report was not submitted, please provide current ADTs on Moiese Lane and calculations supporting an increase of less than 25%. Article 2, Section 3-2-14(a).
- 8) Please show existing driveways and accesses onto Moiese Lane.
- 9) The "K" values listed in AASHTO are not maximum values as stated on the Schedule for Roadway Design Submittal. For a design speed of 25 mph, AASHTO recommends a minimum "K" value of 12 (Exhibit 5-2, page 381) for crest curves and 26 for sag curves. Your sheet states a maximum value. "K" values can always be larger than those stated in AASHTO.
- 10) The Schedule for Roadway Design Submittal for Moiese Lane should state a minimum "K" value of 44 for crest curves and 64 for sag curves.
- 11) The pavement width stated on the Schedule for Roadway Design Submittal for Moiese Lane is 18 feet, but the roadway section on the plans shows a pavement width of 22 feet. Please revise the Schedule for Roadway Design Submittal.

#### **Storm Drainage**

- 1) Please provide information (size, type and length) on the proposed culvert for the irrigation ditch.

#### **Miscellaneous**

- 1) Please provide a copy of MDT and Ravalli County approach permits.
- 2) Please provide full-size sheets of the grading plans with revised drawings.

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" sheet from the RCRBD. Thank you.

Landworks

Consulting & Design, Inc.

MISSOULA  
P.O. Box 7908 Missoula, MT 59807  
Ph: (406) 542-1415 Fax: (406) 542-8252

HAMILTON  
802 W. Main Hamilton, MT 59840  
Ph: (406) 363-0071 Fax: (406) 363-0073  
www.landworksmt.com

August 25, 2006

Ryan J. Salisbury, P.E.  
WGM Group  
3021 Palmer Dr.  
Missoula, MT 59808

Re: Moiese Meadows Preliminary Review Comments

Dear Ryan:

This letter is in response to your preliminary review comments dated May 24, 2006. We have answered your comments below.

#### Roadways

1. The stop sign locations have been shown on the revised Grading, Drainage, & Road Plans as well as the locations of the proposed speed limit signs shown in accordance with the design speeds specified.
2. Preliminary sight distances have been thoroughly evaluated according to AASHTO and are shown on the revised Grading, Drainage, & Road Plans.
3. Centerline horizontal radius lengths have been called out and identified on the revised Grading, Drainage, & Road Plans.
4. The amount of truck traffic has been assumed to be 1% for this subdivision and is reflected on the revised Road Schedule Design.
5. A typical radius length of 25 feet for approach returns has been called out on the plans for all intersections and meets the AASHTO requirements in Exhibit 9-19, on Page 585.
6. The typical road section for Moiese Lane has been revised to show a two-foot minimum gravel shoulder, which meets AASHTO and Ravalli County Subdivision Regulations.
7. The Traffic Impact Analysis Report for Moiese Meadows is being resubmitted to your office with this letter.
8. The existing driveways and accesses onto Moiese Lane have been shown on the revised Grading, Drainage, & Road Plans and are labeled for your convenience.
9. The Schedules for Roadway Design Submittal have been revised to meet the recommended AASHTO minimum K-values for the crest and sag vertical curves.
10. The Schedule for Roadway Design Submittal for Moiese Lane has been revised to meet the recommended AASHTO minimum K-values of 44 for the crest and 64 for the sag vertical curves.



11. The width of pavement for Moiese Lane has been changed to a width of 22 feet on the Schedule for Roadway Design Submittal to reflect the pavement width shown on the roadway cross-section.

#### **Storm Drainage**

1. The size, type, and length of the proposed irrigation ditch culverts have been provided on the revised Grading, Drainage, & Road Plans.

#### **Miscellaneous**

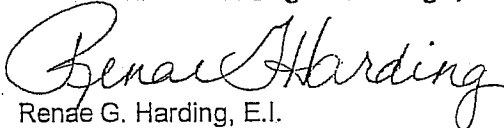
1. A copy of the Ravalli County Road and Bridge Department preliminary approach permit is attached. Also included is a letter dated 09/22/2005 written to RCRBD regarding the statement of the approach permit serving a driveway instead of a subdivision and gravel surfacing instead of asphalt. To date, the RCRBD has not responded to that letter.

Also included is an agency letter from MDT. It requests the owners apply for an approach permit once the subdivision has received approval from the local planning agency.

2. A full-size set of revised Grading, Drainage, & Road Plans is attached.

Please don't hesitate to call our office if you have any questions about this submittal.

Sincerely,  
**Landworks Consulting and Design, Inc.**

  
Renae G. Harding, E.I.

Enclosures: WGM Memo dated 5/24/06  
Schedule for Roadway Design Sheets  
Current Traffic Impact Analysis Report for Moiese Lane  
Copy of RCRBD Preliminary Approach Permit  
Copy of letter to RCRBD regarding approach permit  
Copy of letter from MDT regarding approach permit  
Revised 24" x 36" Grading and Drainage Plans

C: Lords, letter only  
Ravalli County Planning Department, w/ enclosure  
File, w/ enclosure

Z:\2005 Projects\1140 - Ron Lords\3\_DESIGN\ROADS\lrr.wgm.01.doc

## SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation Information Per MCA 76-3-622

Name of Subdivision: Moiese Meadows

Subdivider/Landowner Name(s): Rebecka Lords

Consultant Name: Landworks Consulting &amp; Design, Inc.

Date Received: 7-20-06

Sufficiency Review Due Date: 7-21-06

EXHIBIT A-6

Yes	No	N/A	Item	Additional Information/Staff comments
			(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.	
/			Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee.	
/			<b>(a) Vicinity Map or Plan</b>	
/			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
/			(A) flood plains	
/			(B) surface water features	
/			(C) springs	
/			(D) irrigation ditches	
/			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
/			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
/			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
/			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
/			<b>(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.</b>	
/			<b>(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.</b>	

Yes	No	N/A	Item	Additional Information/Staff comments
✓			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
✓			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
✓			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
✓			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	
✓			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
✓			(i) obtained from well logs or testing of onsite or nearby wells;	
✓			(ii) obtained from information contained in published hydrogeological reports; <u>OR</u>	
✓			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
✓			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
✓			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

*Morgan Jewell*

## EXHIBIT A-7

Shaun Morrell

---

**From:** Theresa Blazicevich  
**Sent:** Friday, October 27, 2006 8:59 AM  
**To:** Shaun Morrell; Morgan Farrell  
**Subject:** RE: Wastewater controversy re: Moiese Meadows

Shaun,

I will not be available on Nov. 1<sup>st</sup> but feel free to come talk to us before this time. I have been thinking that we should require Level 2 treatment or a management entity for individual systems when they are located near sensitive areas, like the refuge. See EPA's Voluntary Guidance for Management referenced in our wastewater regulations or at <http://cfpub.epa.gov/owm/septic/guidelines.cfm#7478>

Theresa

10/27/2006



RECEIVED

OCT 26 2006  
IC-06-10-169/  
Ravalli County Planning Dept

PHONE (970) 249-7130  
FAX (970) 249-7892

60813 MAPLE GROVE ROAD  
MONTROSE, COLORADO 81401

October 19, 2006

## EXHIBIT B

To: Ravalli County Planning Department

Re: Moise Meadows Major Subdivision

We have reviewed the maps and layouts of the proposed Moiese Meadows Major Subdivision. We would like to submit the following comments and concerns to the planning department.

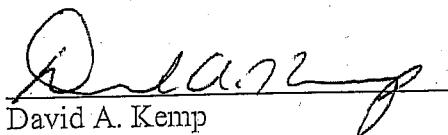
The irrigation ditch that runs through the proposed subdivision has an established access site which includes a pump house and a supply pipe that goes under the Eastside Highway to supply irrigation water to the property owned by Frontier Log Homes. The Lee Metcalf Refuge is the primary user of the ditch and maintains the majority of the ditches in the area that supplies water to the refuge (which we all appreciate).

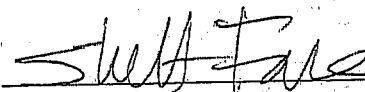
We contacted Steve Whitson, the Refuge manager. He said they are aware of the proposed subdivision and are requesting a 24" pipe from Moiese Lane where the ditch starts, to the Eastside Highway where the ditch ends. He has also requested clean outs in the pipe.

We have reviewed the ditch and layout of the proposed subdivision and agree this is the only way to properly maintain unrestricted water flow for irrigation purposes. One of the subdivision's proposed entrances appears to be directly across from the main entrance to the Frontier Log Homes property. The current pump house would be a visibility hazard for traffic entering and exiting the subdivision, therefore potentially creating a liability issue for Frontier Log Homes. We would request installation of a sizable tee off the main pipe under the Eastside Highway to the Frontier Log Homes property. We could then relocate our pump for irrigation purposes. Berkly Barker, a neighbor to the Frontier Log Homes property, also has water shares in this ditch and could possibly benefit from these changes.

Frontier Log Homes uses the entrance to our property for supply and delivery of logs. Decreasing the number of lots and increasing the size to four (4) acres or larger could greatly minimize the congestion at the new intersection. This might also help to maintain the country type setting we all enjoy.

If you should have further questions, please feel free to contact Shelton Ferguson at 406-777-2945.

  
David A. Kemp  
Frontier Log Homes

  
Shelton Ferguson  
Frontier Log Homes

Ravalli County commissioners + Planning department  
thankx for your consideration of these comments  
and concerns.

Sincerely

Shelia Fay

(Shelia Ferguson)

Po Box 275

Stevensville, MT

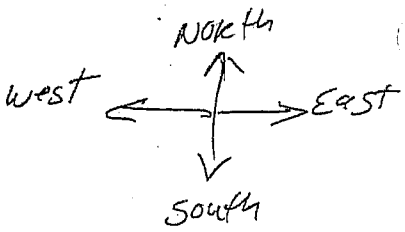
59870

Frontier

Log

Homes

406-777-2945



current  
under  
road.

Further  
Lot  
Homes  
propert

Frontier  
Entrance

preferred  
site

Boyle station could  
possibly access from this also,  
and a sizeable pipe  
to get proper water flow  
to run a 10H.P. pump - 4"  
irrigation pipe.

East side Hwy

Boyle  
Boulder  
residence



Current  
pump house



road  
telephone

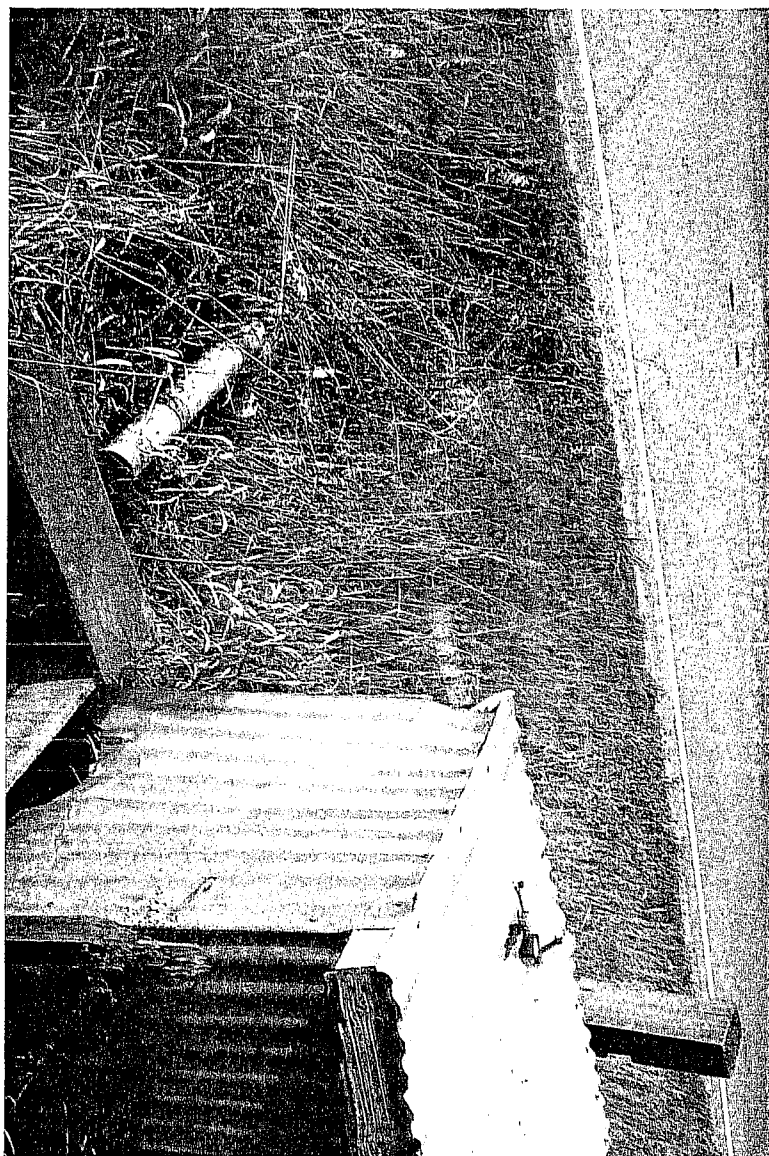
Trailer house

pipe  
needs  
to ASSE to  
get proper  
water flow.  
requesting 12" pipe.

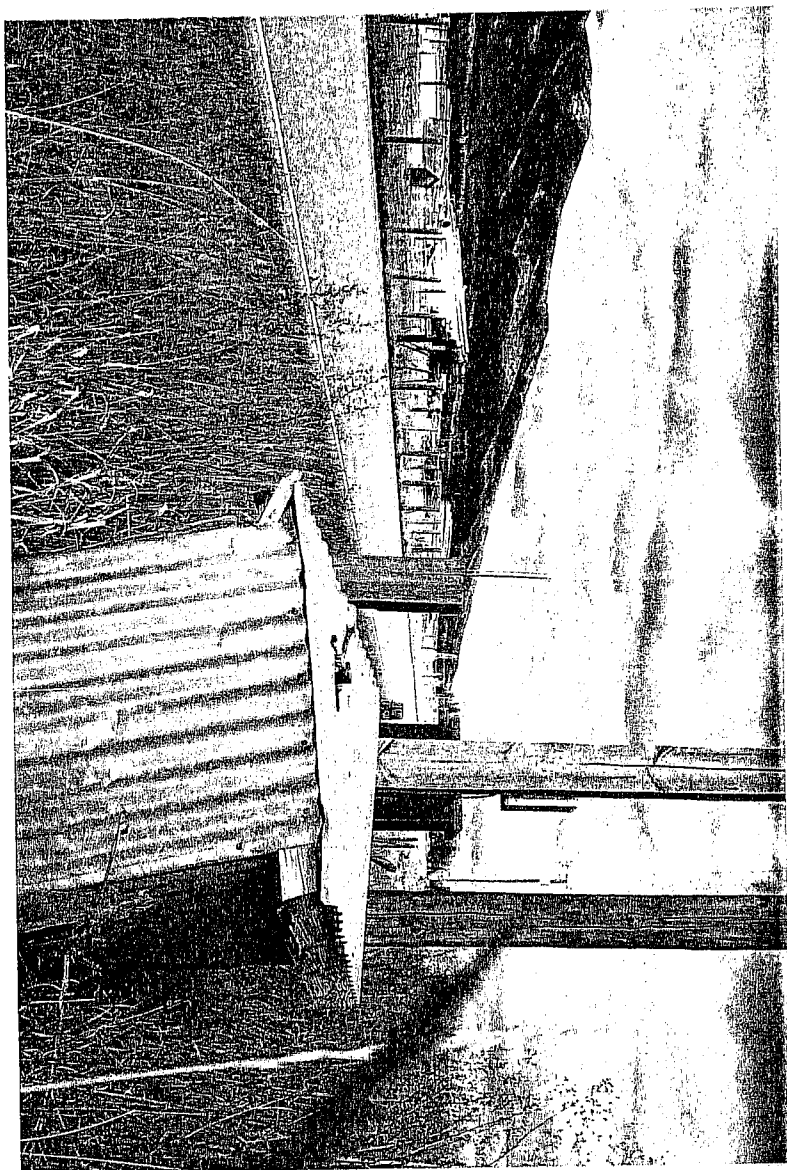
proposed 24" pipe

noise low

pipe that  
goes under Hwy to F/H  
property



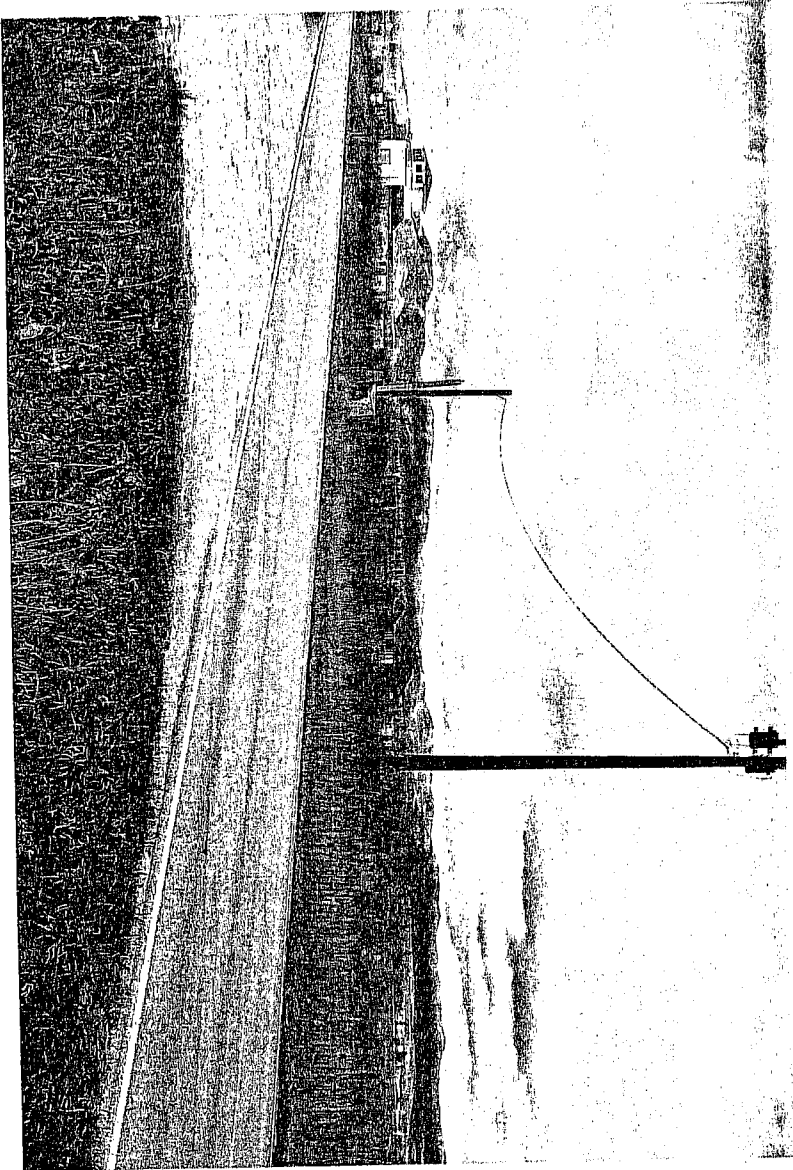




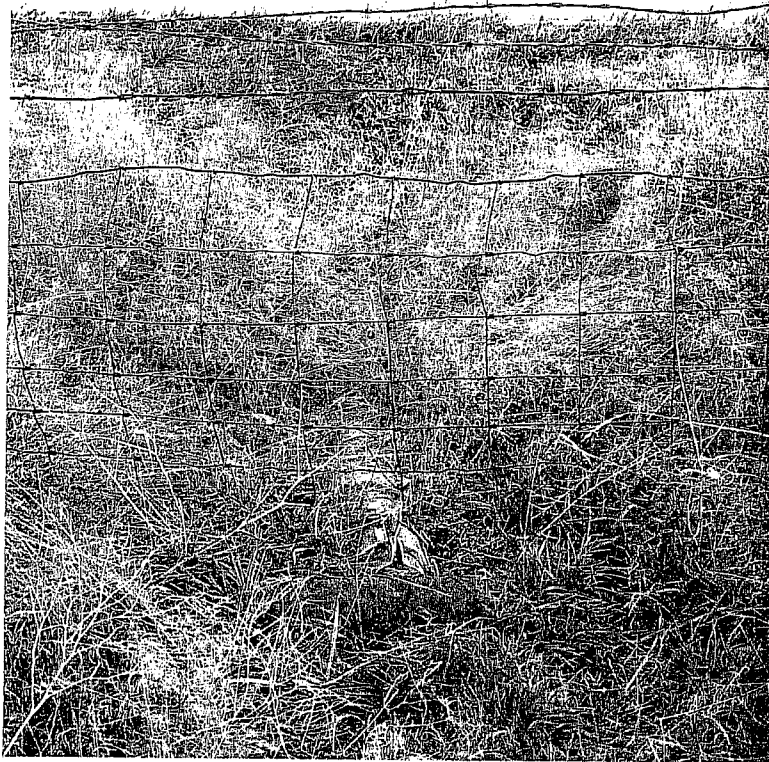
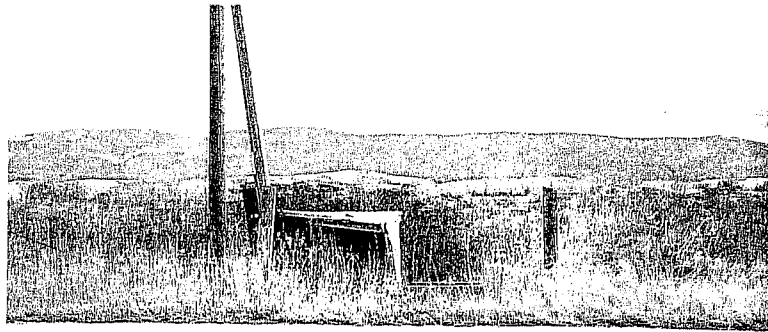
current  
pump house -  
established irrigation  
site.



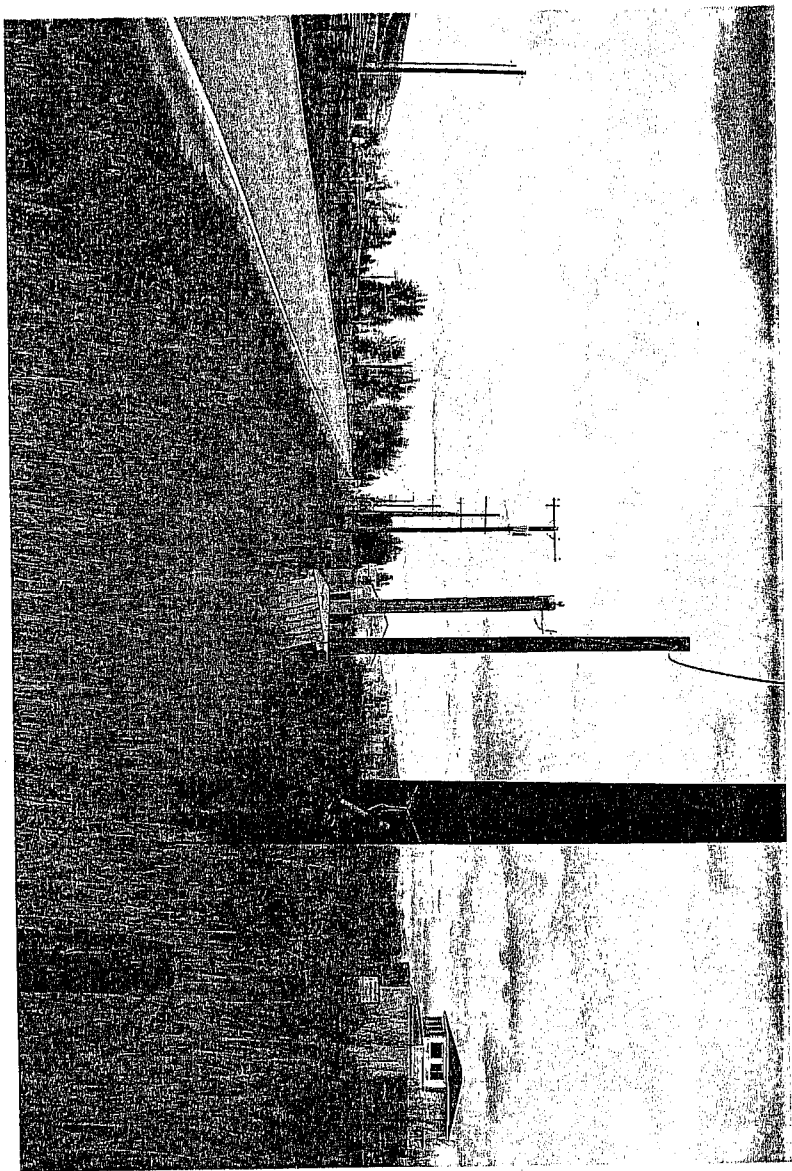
Current pump location - Frontier  
property across East side Hwy



Looking across from F/H property to  
established irrigation access site - telephone  
pole probably poses a visibility problem  
also - entering & exiting proposed subdivision



↑  
current access site



pump  
house +  
poles



telephone  
pole



